
By: **Delegates Owings, O'Donnell, Costa, Dwyer, and Sossi**
Introduced and read first time: February 6, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - "Adequate Education" for Students Defined**

3 FOR the purpose of defining an "adequate education"; requiring that certain State
4 performance plans include the requirement to provide an adequate education for
5 students and that county boards of education describe goals, objectives, and
6 strategies that will be used to provide an adequate education; requiring that the
7 State Superintendent of Schools review certain plans of local school systems
8 relating to the requirement to provide an adequate education; authorizing the
9 State Board to withhold certain funds from county boards that fail to provide an
10 adequate education under certain circumstances; and generally relating to the
11 requirement that local school systems provide an adequate education to
12 students in the public schools.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 5-401
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Education**

21 5-401.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "ADEQUATE EDUCATION" MEANS A LEVEL OF STUDENT
24 ACHIEVEMENT THAT:

25 (1) IS CONSISTENT WITH THE MANDATE UNDER ARTICLE XVIII, § 1
26 OF THE MARYLAND CONSTITUTION THAT THE STATE PROVIDE A THOROUGH AND
27 EFFICIENT SYSTEM OF FREE PUBLIC SCHOOLS; AND

1 (II) EQUATES TO STUDENT PROFICIENCY IN READING, WRITING,
2 AND COMPUTATIONAL SKILLS AT THE 10TH GRADE LEVEL OR HIGHER.

3 [(2)] (3) "Local performance standards" means standards for student
4 and school performance developed by a county board.

5 [(3)] (4) "Plan" means a comprehensive master plan.

6 [(4)] (5) "State performance standards" means standards for student
7 and school performance approved by the State Board TO PROVIDE AN ADEQUATE
8 EDUCATION TO STUDENTS IN THE PUBLIC SCHOOLS IN THE STATE.

9 (b) (1) Each county board shall develop and implement a comprehensive
10 master plan that describes the goals, objectives, and strategies that will be used to
11 PROVIDE AN ADEQUATE EDUCATION TO improve student achievement and meet
12 State performance standards and local performance standards in each segment of the
13 student population.

14 (2) (i) Each county board shall submit a plan to the Department on or
15 before October 1, 2003.

16 (ii) At least 60 days before submitting a plan to the Department, a
17 county board shall provide a copy of the plan to the:

18 1. County council and if applicable, county executive; or

19 2. County commissioners.

20 (3) Subject to subsection (h) of this section, the plan shall:

21 (i) Extend for a 5-year period beginning with the 2003-2004 school
22 year; and

23 (ii) Be updated by the county board on or before July 1 of each year.

24 (c) The plan shall include:

25 (1) Goals and objectives as required under subsections (d) through (f) of
26 this section that are aligned with State performance standards and local performance
27 standards;

28 (2) Implementation strategies for meeting goals and objectives;

29 (3) Methods for measuring progress toward meeting goals and objectives;

30 (4) Time lines for implementation of the strategies for meeting goals and
31 objectives;

32 (5) Time lines for meeting goals and objectives;

1 (6) A description of the alignment of the county board's budget with
2 goals, objectives, and strategies for improving student achievement;

3 (7) The impact of the proposed goals, objectives, and implementation
4 strategies on public school facilities and capital improvements that may be needed to
5 implement the plan; and

6 (8) Any other information required by the State Superintendent.

7 (d) The plan shall include goals, objectives, and strategies regarding the
8 performance of:

9 (1) Students requiring special education, as defined in § 5-209 of this
10 title;

11 (2) Students with limited-English proficiency, as defined in § 5-208 of
12 this title;

13 (3) Prekindergarten students;

14 (4) Kindergarten students;

15 (5) Gifted and talented students, as defined in § 8-201 of this article;

16 (6) Students enrolled in career and technology courses;

17 (7) Students failing to meet, or failing to make progress toward meeting,
18 State performance standards, including any segment of the student population that
19 is, on average, performing at a lower achievement level than the student population
20 as a whole; and

21 (8) Any other segment of the student population identified by the State
22 Superintendent.

23 (e) With regard to subsection (d)(7) of this section, the plan shall include
24 strategies to address any disparities in achievement identified for any segment of the
25 student population.

26 (f) (1) (i) The State Superintendent shall review each plan to determine
27 whether the plan complies with the requirements of subsections (b) through (e) of this
28 section.

29 (ii) If the State Superintendent determines that a plan does not
30 comply with the requirements of subsections (b) through (e) of this section, the State
31 Superintendent may require specific revisions to the plan.

32 (2) (i) The State Superintendent may review the content of each plan
33 to assess whether the plan will have the effect of improving student achievement and
34 increasing progress toward meeting State performance standards.

1 (ii) If the State Superintendent determines that a plan will not
2 have the effect of improving student achievement and increasing progress toward
3 meeting State performance standards, the State Superintendent may require specific
4 revisions to the plan.

5 (3) A county board may not implement a plan unless it has been
6 approved by the State Superintendent.

7 (g) (1) A county board may submit a preexisting management plan to the
8 Department as the county board's plan under subsection (b) of this section.

9 (2) If the State Superintendent determines that the preexisting
10 management plan meets the requirements set forth in this section, the State
11 Superintendent shall approve the preexisting management plan as the county board's
12 plan.

13 (h) (1) If a school system fails to demonstrate progress toward PROVIDING
14 AN ADEQUATE EDUCATION BY improving student achievement and meeting State
15 performance standards in each segment of the student population during a school
16 year, the State Superintendent shall review the content of the plan and any updates
17 to the plan to assess whether the plan will have the effect of improving student
18 achievement and increasing progress toward meeting State performance standards.

19 (2) If the State Superintendent determines that a plan will not have the
20 effect of improving student achievement and increasing progress toward meeting
21 State performance standards, the State Superintendent shall require specific
22 revisions to the plan.

23 (i) The State Superintendent shall advise the Governor and the General
24 Assembly concerning the distribution of State funds to a county that fails TO PROVIDE
25 AN ADEQUATE EDUCATION AND to make progress toward improving student
26 achievement and meeting State performance standards in each segment of the
27 student population.

28 (j) The State Board may withhold State funds from a county board if:

29 (1) A school system fails to [demonstrate] PROVIDE AN ADEQUATE
30 EDUCATION BY DEMONSTRATING annual progress toward improving student
31 achievement and meeting State performance standards in each segment of the
32 student population; and

33 (2) Fails to develop a plan that meets the requirements of subsections (b)
34 through (g) of this section or take any action required by the State Superintendent
35 under this section.

36 (k) (1) The State Superintendent shall review academic intervention
37 programs and behavior modification programs to identify best practices.

1 (2) The State Superintendent shall periodically report on the best
2 practices to the State Board, the county boards, the Governor, and, subject to §
3 2-1246 of the State Government Article, the General Assembly.

4 (1) (1) Subject to paragraph (2) of this subsection, the Department shall
5 adopt regulations as necessary to implement this section.

6 (2) The Department shall consult with county superintendents and
7 county boards before promulgating proposed regulations to implement this section.

8 (m) The Department may provide technical assistance to county boards in
9 developing and implementing a plan.

10 (n) The Governor shall include an appropriation for the Department in the
11 State budget for each fiscal year in amount sufficient to cover the costs associated
12 with implementing this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2004.